

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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| In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION |) | Master File No.: 12-md-02311 Honorable Marianne O. Battani Special Master Gene J. Esshaki |
| In Re: All Auto Parts Cases |) | 2:12-MD-02311-MOB-MKM |
| THIS DOCUMENT RELATES TO: ALL AUTO PARTS CASES |) | |

THE SPECIFIED SUBPOENAED ENTITIES’ MOTION TO EXCEED PAGE LIMITS

Pursuant to Local Rule 7.1(d)(3), the Specified Subpoena Entities (“SSEs”)¹ identified below hereby respectfully request leave to file four briefs of the following length in response to the pending Motions to Compel:

¹ The following SSEs join in this Motion: **BMW Entities:** BMW of North America, LLC; BMW Manufacturing Co., LLC; BMW Financial Services NA, LLC; BMW (US) Holding Corp.; BMW Bank of North America; BMW Insurance Agency, Inc.; BMW US Capital, LLC; Designworks/USA, Inc.; **FCA (Chrysler) Entities:** FCA US LLC; Fiat Chrysler Finance North America, Inc.; **Daimler Entities:** Daimler North America Corp. (MI); Daimler North America Corp. (NJ); Daimler Purchasing Coordination Corp.; Daimler Trucks North America LLC; Daimler Vans Manufacturing, LLC; Daimler Vans USA LLC; Freightliner Custom Chassis Corp.; Mercedes-Benz Advanced Design of North America Inc.; Mercedes-Benz Credit Corp.; Mercedes-Benz Financial Services USA LLC; Mercedes-Benz Research & Development North America, Inc. (CA); Mercedes-Benz Research & Development North America, Inc. (MI); Mercedes-Benz U.S. International, Inc.; Mercedes-Benz USA, LLC; Mitsubishi Fuso Truck of America, Inc.; Thomas Built Buses, Inc.; Western Star Trucks Sales, Inc.; **GM Entities:** General Motors Company; General Motors Financial Company, Inc.; General Motors Holdings LLC; General Motors LLC; **Hino Motors Manufacturing U.S.A., Inc.;** **Honda Entities:** American Honda Motor Co., Inc.; American Honda Finance Corp.; Honda Manufacturing of Indiana, LLC; Honda North America, Inc.; Honda of America Mfg., Inc.; Honda of South Carolina Mfg., Inc.; Honda Precision Parts of Georgia, LLC; Honda R&D Americas, Inc.; Honda Research Institute USA, Inc.; Honda Transmission Manufacturing of America, Inc.; **Hyundai Entities:** Hyundai Motor Manufacturing Alabama, LLC, Hyundai America Technical Center, Inc., Hyundai Motor America, Hyundai Autoever America, LLC, Hyundai Capital America; **Jaguar Land Rover North America, LLC;** **Kia Entities:** Kia Motors Manufacturing Georgia, Inc., Kia Motors

- Joint Opposition Brief – 40 pages
- Small SSE Brief – 12 pages
- Domestic Distributor Brief – 10 pages
- Truck & Equipment Brief – 4 pages
- Non-Core SSE Brief – 13 pages

The Parties to this litigation have filed two motions to compel against dozens of Original Equipment Manufacturers (“OEMs”) and their affiliates (“Specified Subpoenaed Entities” or “SSEs”). The briefs in support of these motions together are 52 pages long. The SSEs have all been served with the same 35-page subpoena. While there are many issues common to all SSEs, certain SSEs, including non-core SSEs and smaller SSEs, have issues that are not applicable to the group as a whole.

Given the length of the subpoena, the number of SSEs, the number and complexity of the issues raised by the subpoena, and the length of the moving briefs, a single response brief within the 20-page limit imposed by Judge Battani’s Practice Guidelines is insufficient to adequately respond to all issues raised by the Parties’ moving briefs. The Parties, in moving for excess

America, Inc.; **Mitsubishi Entities:** Mitsubishi Motors North America, Inc.; Mitsubishi Motors Credit of America, Inc.; Mitsubishi Motors R&D of America, Inc.; **Nissan Entities:** Nissan North America, Inc.; Nissan Design America, Inc.(part of NNA); Nissan Technical Center North America, Inc. (part of NNA); Nissan Diesel America, Inc. (part of NNA); Nissan Motor Acceptance Corp.; **Porsche** Cars North America, Inc.; **Subaru Entities:** Subaru of America, Inc., Subaru Leasing Corp., Fuji Heavy Industries U.S.A., Inc., Subaru of Indiana Automotive, Inc.; **Toyota Entities:** Toyota Motor North America, Inc.; Toyota Motor Sales, USA, Inc.; Toyota Motor Engineering & Manufacturing North America, Inc.; Toyota Motor Manufacturing Alabama, Inc.; Toyota Motor Manufacturing Indiana, Inc.; Toyota Motor Manufacturing Kentucky, Inc.; Toyota Motor Manufacturing Mississippi, Inc.; Toyota Motor Manufacturing Texas, Inc.; Toyota Motor Manufacturing West Virginia, Inc.; Toyota Logistics Services, Inc.; Calt Design Research, Inc.; **VW Entities:** Volkswagen Group of America, Inc. d/b/a Volkswagen of America; Volkswagen Group of America, Inc. d/b/a Audi of America; Volkswagen Group of America Chattanooga Operations, LLC; and Volkswagen Credit, Inc.; and **Volvo** Cars of North America, LLC

pages for their moving briefs, have already agreed that a similar extension for the SSEs' briefing is appropriate. *See* Parties' Motion for Leave to File a Memorandum of Up to 36 Pages in Support of Their Motion to Compel Discovery from Non-Party Original Equipment Manufacturers, No. 2:12-cv-02311, dkt. 1184 (E.D. Mich. Jan. 19, 2016).

WHEREFORE, the SSEs respectfully ask the Court to enter an order granting leave to file four briefs of the following length in response to the pending Motions to Compel:

- Joint Opposition Brief – 40 pages
- Small SSE Brief – 12 pages
- Domestic Distributor Brief – 10 pages
- Truck & Equipment Brief – 4 pages
- Non-Core SSE Brief – 13 pages

Dated: February 19, 2016

Respectfully submitted,

BUSH SEYFERTH & PAIGE PLLC

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on February 19, 2016. Any other counsel of record will be served by first class mail.

By: /s/ Cheryl A. Bush